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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

F.G. CROSTHWAITE, et al.

Plaintiffs,

v.

ESPINOSA SURVEYING, INC., a California
Corporation; PETER ESPINOSA, an
individual, JOANNE C. ESPINOSA, an
individual, BRIANDA MICHELLE
ESPINOSA, an individual, and JOVANNA
BETTIN ESPINOSA, an individual,

Defendants.

Case No.: C11-5067 PJH

**PLAINTIFFS' CASE MANAGEMENT
CONFERENCE STATEMENT; REQUEST
TO CONTINUE AND ORDER**

Date: January 26, 2012

Time: 2:00 p.m.

Dept.: Courtroom 3, 3rd Floor
1301 Clay Street, Oakland

Judge: Honorable Phyllis J. Hamilton

Plaintiffs hereby submit their Case Management Conference Statement and Request to Continue Case Management Conference:

1. As the Court's record will reflect, the Complaint was filed October 14, 2011 against all named Defendants to collect delinquent employee benefit contributions. As Plaintiffs' counsel had been working with Defendants' counsel for some time to resolve the matter, the Complaint was not immediately served. In addition, Plaintiffs' counsel had learned that Peter Espinoza was incarcerated, which poses difficulties when it comes to service of process.

2. Plaintiffs' and Defendants' Counsel have been discussing a payment plan, by Stipulated Judgment, to resolve this matter. Defendants have been wholly cooperative and have agreed to accept service of the Complaint to keep expenses at a minimum. In turn, Plaintiffs have agreed to extend the time to respond to the Complaint so that a settlement may be reached before

1 further litigation expenses are incurred. Defendants have made some payments toward their
2 arrearages, expressed interest in bringing their account current and have advised that it is their
3 hope to remain in business.

4 3. Defendants are being provided with a summary of all amounts owed to date, and
5 will review their finances to ascertain a monthly payment amount that will work, while keeping
6 the business current in contributions.

7 4. As it appears that this matter will resolve shortly, and in the interest of saving the
8 fees and costs associated with participation in the Case Management Conference, I am asking that
9 the Court continue it for 60 – 90 days to allow for settlement and the preparation and filing of a
10 Stipulated Judgment.

11 I declare under penalty of perjury that I am the attorney for the plaintiffs in the above
12 entitled action, and that the foregoing is true of my own knowledge.

13 Executed this 18th day of January, 2012, at San Francisco, California.

14 SALTZMAN & JOHNSON LAW CORPORATION

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16 By: /s/ Michele R. Stafford

17 Michele R. Stafford

18 Attorneys for Plaintiffs

19 **ORDER**

20 The Case Management Conference, currently scheduled for January 26, 2012, is hereby
21 continued to March 29, 2012, 2012. All related deadlines are extended accordingly.

22 IT IS SO ORDERED.

23 Date: 1/23/12

24
25 HONORABLE _____ MILTON
26 United States

